

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KODY JOSEPH MELANCON,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
EDUCATION,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/8/2021

1:19-cv-10040 (MKV)

ORDER OF
DISMISSAL

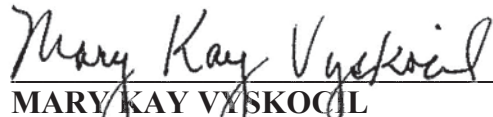
MARY KAY VYSKOCIL, United States District Judge:

The Complaint in this action was filed on October 26, 2019 [ECF No. 2]. A summons for Defendant was issued on January 2, 2020, but no proof of service ever has been filed in this case. And, Plaintiff has taken no action to prosecute this case to date. Accordingly, it is hereby:

ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by **November 8, 2021**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Date: October 7, 2021
New York, NY


MARY KAY VYSKOCIL
United States District Judge